

OGC 63-1422(a)

*Personnel*

25 June 1963

OGC Has Reviewed

**MEMORANDUM FOR:** Director of Personnel

**SUBJECT:** Pay of Consultants and Experts

**REFERENCE:** Memo fr D/Pers to Deputy General Counsel,  
dtd 3 May 1963, same subject as above

1. We have been examining this problem and have discussed it at various places. Most particularly we have discussed it with the Department of Defense since the statute involved also affects them. I have been informed by Mr. Norman Paul, Assistant Secretary of Defense for Manpower, that they very much desire to establish a rate in this field of \$100 a day and he is presently collecting specific justification from the various services.

2.

[redacted] DOD on the other hand would be left to go to the provisions of P. L. 600 which would give them a maximum rate of \$68.96 at present and \$74.16 in January of 1963. This particular point makes it even more necessary that we coordinate our approach most closely with DOD. This becomes even more pertinent since we are advised that informal discussion of this problem by DOD with the Bureau of the Budget was not entirely satisfactory in that the Bureau of the Budget stated they would prefer to look into this problem on a Government-wide basis and, consequently, would like to conduct some thorough studies. All of this, of course, could mean extended delay.

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3. As a first step in working on this, it is requested that the Office of Personnel pull together appropriate justification looking toward discussions with the Bureau of the Budget. I think we should have very specific examples of why we need relief from the \$50 a day and why we should be able to go up to \$100 a day. After this has been prepared I would propose that the Agency and DOD consult to determine the best strategy. I might add that Mr. Paul stated he was pleased to learn of our efforts in this field and he saw no reason why we could not work together on this.

*/s/ John S. Warner*  
JOHN S. WARNER  
Deputy General Counsel

cc: Executive Director

✓ DD/S

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*Personnel 9*

10 MAY 1963

MEMORANDUM FOR: General Carter

In the attached memorandum to the Deputy General Counsel, the Director of Personnel requests that the \$30 per day limitation on pay to Consultants and Experts be lifted. He points out that CIA alone among major Federal agencies is thus restricted.

I concur in his request.

In view of the fact that the action proposed involves both a change in compensation policy and amendment of our basic legislation your approval is requested.

*L. K. White*  
L. K. White

EA-DD/S:RBF:maq (9 May 63)

Distribution:

Orig - DDCI w/O & 5 ccys of DD/S 63-1883

1 - DD/S Subject w/ccy of DD/S 63-1883

1 - DD/S Chrono

DD/S 63-1883: Memo dtd 3 May 63 to Deputy General Counsel fm Emmett D. Echols, subj: Pay of Consultants and Experts

3 MAY 1963

MEMORANDUM FOR: Deputy General Counsel

OGC

SUBJECT : Pay of Consultants and Experts

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2. The \$50 per day limitation has not seriously impeded recruitment of Consultants and Experts. However, we have been advised by a number of offices (DD/R, OSI, OHR, ONE) that higher rates are desirable to make the Agency more consistent with other agencies of the Government and, in some cases, to secure personnel who will not accept \$50 per day. All components have some Consultants currently receiving \$50 per day that they would like to pay more.

3. A review has been made of pay of Consultants and Experts throughout the Federal Government. The results are summarized in the attached listing.

4. You will note that only a small minority of Federal Agencies are limited to \$50 per day. These are relatively small agencies or small components of departments and, in some cases, the limitation does not apply to the entire agency or functions. The Department of Agriculture and the Department of Health, Education, and Welfare, for example, are limited to \$50 per day for certain functions, but have authority to pay rates as high as \$100 per day or \$75 per day in other areas. The Executive Office of the President has a limitation of \$50 per day for International Health Research, but has unlimited per diem for the White House Office and \$100 per day and \$75 per day for certain other areas.

5. The majority of agencies employ Consultants and Experts under Public Law 600 (2 August 1946) which authorized per diem rates not in excess of the highest rate of GS-15 (\$63.96 at present and \$74.16 in January 1964). A substantial number, however, can pay \$75 and \$100 per day and some have no maximum rate.

6. The Deputy Director (Research) has indicated that a maximum rate of at least \$100 per day would be desirable to secure exceptionally highly qualified individuals, with the Public Law 600 maximum rate of \$68.96 generally applicable.

7. The Atomic Energy Commission has indicated that although its authority to pay Consultants and Experts is derived from Public Law 600, since it is not under the Classification Act, it has no maximum limitation and accordingly pays over \$100 per day in certain cases. It appears, therefore, that the deletion of the specific limitation of \$50 per day in the National Security Act would permit the Director to authorize payment of any sum for Consultants and Experts under his general authority.

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/s/ Emmett D. Nichols  
Emmett D. Nichols  
Director of Personnel

Attachment  
Pay of Consultants and Experts

CONCUR:

  
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L. K. WHITE  
Deputy Director (Support)

10 MAY 1963


\_\_\_\_\_  
Date

Distribution:

- 0 & 1 - Addressee
- 2 - DD/S chron. Subject
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APPROVED

16 MAY 1963

  
Marshall S. Carter  
Lieutenant General, USA  
Deputy Director

WVA 3 5 33 LW .83

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Authorization and Pay of Consultants and Experts

UNLIMITED PER DIEM

	<u>Public Law</u>	<u>Date</u>
Atomic Energy Commission	PL 87-830	24 Oct 1962
White House Office	PL 87-575	6 Aug 1962
Corporations and Agencies under Government Corporation Control Act	PL 87-830	24 Oct 1962
<u>\$100 PER DIEM</u>		
Department of Agriculture		
Agricultural Marketing Services (rate cases)	PL 87-879	24 Oct 1962
Department of Commerce		
* Bureau of Public Roads	PL 87-545	25 July 1962
Department of Defense		
Saint Lawrence River Joint Board of Engineers	PL 87-830	24 Oct 1962
Civil Aeronautics Board	PL 87-741	3 Oct 1962
Executive Office of the President		
National Aeronautics and Space Council	PL 87-741	3 Oct 1962
President's Advisory Committee on Labor Management Policy	PL 87-575	6 Aug 1962
* Federal Aviation Agency	PL 85-726	23 Aug 1958
Federal Home Loan Bank Board	PL 87-741	3 Oct 1962

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	<u>Public Law</u>	<u>Date</u>
Federal Power Commission	PL 87-741	3 Oct 1962
Interstate Commerce Commission	PL 87-741	3 Oct 1962
* National Aeronautics and Space Administration	PL 85-568	29 July 1958
The Panama Canal	PL 87-480	24 Oct 1962
Saint Lawrence Seaway Development Corporation	PL 87-480	24 Oct 1962
Securities and Exchange Commission	PL 87-741	3 Oct 1962
* United States Arms Control and Disarmament Agency	PL 87-497	26 Sept 1961
<u>\$75 PER DIEM</u>		
Department of Agriculture		
Forest Service	PL 87-578	9 Aug 1962
Department of Commerce		
* New York World's Fair	PL 87-545	25 July 1962
General Authority	PL 87-443	18 Oct 1962
Department of Health, Education, and Welfare		
Public Health Service	PL 87-578	9 Aug 1962
General Authority	PL 87-582	14 Aug 1962
Department of the Interior		
General Authority	PL 87-578	9 Aug 1962

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\* Continuing Legislation

	<u>Public Law</u>	<u>Date</u>
Department of Justice		
General Authority	PL 87-443	18 Oct 1962
Department of Labor		
General Authority	PL 87-582	14 Aug 1962
Department of State		
* Peace Corps	PL 87-493	22 Sept 1961
* Administrative Office of the United States Courts	PL 86-570	23 Sept 1959
Executive Office of the President		
Bureau of the Budget	PL 87-575	6 Aug 1962
Office of Emergency Planning (one position)	PL 87-541	3 Oct 1962
Public Works Acceleration	PL 87-480	24 Oct 1962
Expenses of Management Improvement	PL 87-575	6 Aug 1962
* Foreign Assistance Programs	PL 87-195	4 Sept 1961
Export-Import Bank of Washington	PL 87-472	23 Oct 1962
Federal Coal Mine Safety Board of Review	PL 87-578	9 Aug 1962
Federal Maritime Commission	PL 87-443	18 Oct 1962
Federal Mediation and Conciliation Service	PL 87-582	14 Aug 1962
General Services Administration		
Transportation and Public Utilities Service	PL 87-441	3 Oct 1962
Housing and Home Finance Agency	PL 87-741	3 Oct 1962
National Capital Planning Commission	PL 87-578	9 Aug 1962
* Continuing Legislation		



	<u>Public Law</u>	<u>Date</u>
National Labor Relations Board	PL 87-582	14 Aug 1962
National Mediation Board	PL 87-582	14 Aug 1962
Railroad Retirement Board	PL 87-582	14 Aug 1962
Smithsonian Institution	PL 87-578	9 Aug 1962
* Additions to the Natural History Building	PL 87-122	3 Aug 1961
* Remodeling of Civil Service Commission Building	PL 87-122	3 Aug 1961
Tariff Commission	PL 87-343	18 Oct 1962

\$68.96 PER DIEM  
(Class Act Rate - Oct 1962)

\$74.16 PER DIEM  
(Class Act Rate - Jan 1961)

Department of Agriculture

Agricultural Marketing Service	PL 87-379	24 Oct 1962
Agricultural Research Service	PL 87-379	24 Oct 1962
Cooperative State Experiment Station Service	PL 87-379	24 Oct 1962
Economic Research Service	PL 87-379	24 Oct 1962
Office of Information	PL 87-379	24 Oct 1962
Rural Electrification Administration	PL 87-379	24 Oct 1962
Soil Conservation Service - Conservation Operations, Watershed Protection, Flood Prevention	PL 87-379	24 Oct 1962
Special Foreign Currency Program	PL 87-379	24 Oct 1962

Department of Commerce

Bureau of Public Roads	PL 87-343	18 Oct 1962
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Department of Defense

Army, Administration, Ryukyu Islands	PL 87-372	23 Oct 1962
General Authority (Includes National Security Agency)	PL 87-377	9 Aug 1962

	<u>Public Law</u>	<u>Date</u>
<b>Department of Health, Education, and Welfare</b>		
Assistance to Refugees in the United States	PL 87-872	23 Oct 1962
* Water Pollution Control	PL 84-660	9 July 1956
<b>Department of the Interior</b>		
Historical and Archeological Data Preservation	PL 86-323	27 June 1960
* Saline Water Research	PL 85-833	2 Sept 1958
<b>Department of Justice</b>		
Federal Prison Industries, Inc.	PL 87-843	18 Oct 1962
<b>Post Office Department</b>		
Administration, Regional Operation, and Research	PL 87-575	6 Aug 1962
Research, Development, and Engineering	PL 87-575	6 Aug 1962
<b>Department of State</b>		
Administration of Foreign Affairs	PL 87-843	18 Oct 1962
American Sections, International Commissions	PL 87-843	18 Oct 1962
* Caribbean Commission	PL 80-431	4 March 1948
Educational Exchange	PL 87-843	18 Oct 1962
* International Atomic Energy Agency	PL 85-177	28 Aug 1957
Migration and Refugee Assistance	PL 87-872	23 Oct 1962
* Pan American Railway Congress	PL 80-794	28 June 1948
* South Pacific Commission	PL 80-403	28 Jan 1948
* World Health Organization	PL 80-643	14 June 1948
<b>Department of the Treasury</b>		
Office of the Secretary	PL 87-575	6 Aug 1962
Bureau of Customs	PL 87-575	6 Aug 1962
Bureau of Narcotics	PL 87-575	6 Aug 1962
Coast Guard	PL 87-575	6 Aug 1962
Internal Revenue Service	PL 87-575	6 Aug 1962

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	<u>Public Law</u>	<u>Date</u>
Civil Service Commission	PL 87-741	3 Oct 1962
Customs Court	PL 87-843	8 Oct 1962
District of Columbia Municipal Government	PL 87-867	23 Oct 1962
Executive Office of the President		
National Security Council	PL 87-575	6 Aug 1962
Office of Emergency Planning	PL 87-741	3 Oct 1962
Office of Science and Technology	PL 87-741	3 Oct 1962
Federal Communications Commission	PL 87-741	3 Oct 1962
Federal Trade Commission	PL 87-741	3 Oct 1962
Foreign Claims Settlement Commission	PL 87-843	18 Oct 1962
General Accounting Office	PL 87-741	3 Oct 1962
General Services Administration		
Strategic and Critical Materials	PL 87-741	3 Oct 1962
Library of Congress	PL 87-730	2 Oct 1962
* National Capital Transportation Agency	PL 86-669	14 July 1960
National Science Foundation	PL 87-741	3 Oct 1962
Renegotiation Board	PL 87-741	3 Oct 1962
Selective Service System	PL 87-741	3 Oct 1962
Smithsonian Institution		
National Gallery of Art	PL 87-578	9 Aug 1962

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	<u>Public Law</u>	<u>Date</u>
Subversive Activities Control Board	PL 87-343	18 Oct 1962
United States Information Agency	PL 87-343	18 Oct 1962
* U. S. Study Commission - Southeast River Basins	PL 87-380	24 Oct 1962
* U. S. Study Commission - Texas	PL 87-330	30 Sept 1961
Veterans Administration	PL 87-741	3 Oct 1962

\$50 PER DIEM

Department of Agriculture		
Agricultural Marketing Service	PL 87-379	24 Oct 1962
Department of Health, Education, and Welfare		
* International Health Research	PL 86-110	12 July 1960
* Advisory Commission on Intergovernmental Relations	PL 86-380	24 Sept 1959
* Century 21 Exposition	PL 86-250	9 Sept 1959
* Commission on Civil Rights	PL 85-315	9 Sept 1957
* Commission on International Rules of Judicial Procedure	PL 85-906	2 Sept 1958
Executive Office of the President		
* Defense Production Program	PL 81-774	8 Sept 1950
* International Health Research	PL 86-110	12 July 1960

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NOTE: Other citations are Appropriation Acts or other temporary legislation expiring at the end of the fiscal year.

\* Continuing Legislation